TOWN OF EASTHAM



2500 State Highway, Eastham, MA 02642 *All Departments 508-240-5900* www.eastham-ma.gov



MINUTES EASTHAM BOARD OF HEALTH MEETING THURSDAY MARCH 30, 2023 AT 3PM EARLE MOUNTAIN ROOM AT TOWN HALL

Present: Adele Blong, Francie Williamson, Dr. Fredric Leary, Lois Bryant, Hope Plavin, Susan Barker, Karen Chimwaza

I. NOTIFICATION OF VIDEO/AUDIO RECORDING

II. OPENING STATEMENTS

Susan Barker provided a summary of Health Department Activities:

- The annual Rabies Clinic will be held on 4/22/23 at the Eastham Vet. More information can be found on the website.
- A choke saver class will be held on May 2, 2023. Contact the Health Department to sign up.
- Household Hazardous Waste Day will be held on May 13, 2023 at the Eastham Department of Public Works on Old Orchard Rd. Eastham residents may also participate in September at the Orleans DPW.
- Seasonal rental renewals have been sent out.

III. VARIANCE - VOTE MAY BE TAKEN

ANNE FINKELSTEIN

15 HATCH WAY

M14 P101

Pete McEntee of Engineering Works presented a plan to upgrade the cesspool to a septic system with advanced treatment on the 25,200 sq. ft. environmentally sensitive lot. The proposed system would include a septic tank with a Signulair bio-kinetic treatment unit model 960-N (remedial use), 1000 gallon pump chamber, and perc-rite drip dispersal system with general use approval. The following variance was requested:

1. 310 CMR 15.405 (1) – A 2' reduction to the required 5' separation between maximum seasonal high groundwater and bottom of soil absorption system for 3' of separation under remedial approval of a Singulair Bio-kinetic Wastewater Treatment System.

Jason Carey of 30 Hatch Way expressed concern over the variance and the distance to groundwater. Ms. Blong explained the Board can balance the benefits of upgrading a cesspool with the variance requested, which in this case the upgrade septic system would offer additional environmental protection.

Dr. Leary moved to approve with the following conditions:

- 1. No increase in design flow be allowed. Any proposed change in habitable square footage would require Board of Health review with abutter notification.
- 2. Secondary treatment and monitoring under remedial use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total

- nitrogen, BOD, TSS. Nitrate-nitrogen not to exceed 19 mg/L. After 2 year period of sampling, reduction of testing could be requested to BOH by property owner or system operator.
- 3. Operation and maintenance contract required for the life of the system. Operator to report results via Barnstable County Management Program database.
- 4. Deed restriction with use of Singular Bio-Kinetic Treatment System Model 960-DN, and Perc-Rite Drip Dispersal System, and 3 bedroom use to be recorded with the Barnstable County Registry of Deeds.
- 5. Designer to verify proper operation of the system prior to issuance of COC.
- 6. Connection to municipal water supply to be provided.

Ms. Plavin seconded the motion.

Approved 5-0

2. ASA & ELIZABETH DECKER

25 LIMERICK WAY

M17 P705 B

Stephanie Sequin of Ryder and Wilcox presented a plan to upgrade the soil absorption system on the 20, 706 sq. ft. lot. The proposed septic system would include the existing 1000-gallon septic tank, proposed H-20 distribution box, and two leaching trenches for a 29'4" x 8' x 2' soil absorption system.

The following variances were requested:

- 1. 310 CMR 15.211(7) the proposed soil absorption system shall be approximately 4' below grade where 36" (maximum) is allowed. (1' increase)
- 2. 310 CMR 15.211(7) the proposed distribution box shall be approximately 4' below grade where 36" (maximum) is allowed. (1' increase)

The options of adding a pump chamber or moving the existing septic tank in order to eliminate the requested variances were discussed. Ms. Sequin stated a pump chamber would result in additional costs and maintenance. She also stated the tank could be moved and the system placed in a different area of the yard, but the distance to groundwater from the bottom of the soil absorption system would decrease.

Ms. Blong moved to approve:

- 1. No increase in design flow be allowed. Any proposed change in habitable square footage would require Board of Health review with abutter notification.
- 2. Existing septic tank to be inspected to confirm structural integrity.
- 3. Deed restriction for 3 bedroom use to be recorded with the Barnstable County Registry of Deeds.

Ms. Bryant seconded the motion.

Approved 4-1 (Plavin)

3. ANNE MARIE KRAWCHUCK

880 N SUNKEN MEADOW RD

M1 P77

Eric Mitchell of JC Ellis Design presented a plan to upgrade the cesspools to a septic system with advanced treatment on the 30, 064 sq. ft. lot. The proposed septic system includes a 1500 gallon septic tank with Advantex AX20 treatment unit, pump station, H-20 distribution box, and 21.5' x 14' x 0.5' soil absorption system. The following variances were requested:

- 1. 310 CMR 15.211 proposed leach area 9' from lot line (road) (10' required, 9' provided, 1' variance requested).
- 2. 310 CMR 15.248 No reserve area provided.
- 3. Eastham Board of Health Regulations: Sec. I C 3 b ii proposed SAS located within 100' of wetland (100' required, 96' provided, 4' variance requested).
- 4. Eastham Board of Health Regulations: Sec. I C 3 b iii proposed septic tank located within 50' of wetland (50' required, 38' provided, 12' variance requested).
- 5. Eastham Board of Health Regulations: Sec. I C 3 b iii proposed pump vault located within 50' of wetland (50' required, 41' provided, 9' variance requested).

Dr. Leary moved to approve the presented plan with the following conditions:

- 1. No increase in design flow be allowed. Any proposed change in habitable square footage would require Board of Health review and abutter notification.
- 2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS. Nitrate-nitrogen not to exceed 19 mg/L. After 2 year period of time reduction of testing could be requested to BOH by property owner or system operator.
- 3. Operation and maintenance agreement required for the life of the system. Operator to report results via Barnstable County Septic Management Program.
- 4. Deed restriction with use of secondary treatment technology to be recorded on the deed and 2 bedroom deed restriction to be recorded with the Barnstable County Registry of Deeds.
- 5. Designer to verify proper operation of the system prior to issuance of Disposal Works Construction Certificate of Compliance.
- 6. Connection to municipal water supply to be provided.

Ms. Blong seconded the motion.

Approved 5-0

IV. REVIEW - VOTE MAY BE TAKEN

4. KEN & ERICA TABER

2120 STATE HWY

M15 P3

Stephanie Sequin of Ryder & Wilcox presented a plan to upgrade the septic system on the 55, 570 sq. ft. environmentally sensitive lot. The addition of a fourth bedroom on the property is included in the proposal. The proposed septic system includes a 1500 gallon septic tank with MicroFast 0.75 treatment unit, distribution box, and a 48' x 12' x 2' soil absorption system.

Ms. Williamson moved to approve with the following conditions:

1. No increase in design flow be allowed. Any proposed change in habitable square footage would require Board of Health review and abutter notification.

- 2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS. Nitrate-nitrogen not to exceed 19 mg/L. After 2 year period of time reduction of testing could be requested to BOH by property owner or system operator.
- 3. Operation and maintenance agreement required for the life of the system. Operator to report results via Barnstable County Septic Management Program.
- 4. Deed restriction with use of secondary treatment technology to be recorded on the deed and 4 bedroom deed restriction to be recorded with the Barnstable County Registry of Deeds.
- 5. Designer to verify proper operation of the system prior to issuance of Disposal Works Construction Certificate of Compliance.

Ms. Blong seconded the motion.

Approved 5-0

5. RAE ANN PALMER

80 JOSHUA'S WAY

M15 P137

Benjamin Zehnder represented the owner, Rae Ann Palmer, who was also present, to appeal the failure of the septic inspection report submitted January 19, 2023 due to inconsistency in the bedroom count. A walk through inspection by the Assistant Health Agent determined that four rooms in the dwelling met the Board of Health definition of the bedroom, but the dwelling is only serviced by a three bedroom septic system. Mr. Zehnder conceded that four spaces do meet the definition of a bedroom, but there has been no change in use or structure since it was originally permitted as a three bedroom dwelling. He also stated that the Town had accepted two septic inspection reports that stated the property had only three bedrooms. A discussion of the possible ways to reconcile the inconsistency by either making one of the spaces no longer meet the definition of a bedroom or installing a four bedroom septic system was discussed.

Ms. Blong moved to accept the septic inspection report dated 1/7/23 subject to the submission of a three bedroom deed restriction.

Dr. Leary seconded the motion.

Approved 4-1 (Bryant)

6. JOSEPH & COZETTE HAGGERTY

6 JAY DEE LN

M5 P248C

Joseph and Cozette Haggerty requested permission to provide bottle water to tenants for the upcoming rental season due to the exceedance of nitrate in his well water. Mr. and Mrs. Haggerty stated they plan to connect to town water once it is available, but were concerned it would not be available in time for summer rentals. Ms. Blong spoke with Environmental Partners, the Town's consultants for water installation, who indicated water should be available by June 2023.

Ms. Blong moved to continue until the May 25, 2023 meeting. Ms. Playin seconded the motion.

Approved 5-0

V. TRANSFER STATION REGULATIONS – VOTE MAY BE TAKEN

A workshop was scheduled for April 25, 2023 at 3pm.

VI. OTHER BUSINESS - VOTE MAY BE TAKEN

VII. MINUTES - VOTE MAY BE TAKEN

The minutes from 2/23/23 were accepted.

VIII. ADJOURNMENT

į . r

Ms. Plavin moved to adjourn. Ms. Blong seconded the motion.

Approved 5-0